

The Gazette of India

EXTRAORDINARY PART II—Section 1 PUBLISHED BY AUTHORITY

No. 38] NEW DELHI, TUESDAY, OCTOBER 21, 1958/ASVINA 29, 1880

MINISTRY OF LAW (Legislative Department)

New Delhi, the 21st October, 1958/Asvina 29, 1880 (Saka)

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (CONSTITUTION AND PROCEEDINGS) VALIDATION ORDINANCE, 1958

No. 7 OF 1958

Promulgated by the President in the Ninth Year of the
Republic of India.

An Ordinance to validate the constitution and proceedings of
the Legislative Assembly of the new State of Himachal
Pradesh formed under the Himachal Pradesh and
Bilaspur (New State) Act, 1954.

WHEREAS Parliament is not in session and the President is satisfied
that circumstances exist which render it necessary for him to take
immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1)
of article 123 of the Constitution, the President is pleased to
promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Himachal Pradesh
Legislative Assembly (Constitution and Proceedings) Validation
Ordinance, 1958.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. In this Ordinance, "new Legislative Assembly" means the body
of persons deemed under clause (a) of section 3 to have been the
duly constituted Legislative Assembly of the new State of Himachal
Pradesh.

Definition.

Validation
of the consti-
tution and
proceedings
of the Legis-
lative
Assembly of
the new
State of
Himachal
Pradesh.

3. Notwithstanding anything contained in any law or in any judgment, decree or order of any court,—

(a) the body of persons summoned to meet from time to time as the Himachal Pradesh Legislative Assembly (Himachal Pradesh Vidhan Sabha) during the period commencing on the 1st day of July, 1954, and ending with the 31st day of October, 1956, by the Lieutenant-Governor of Himachal Pradesh in the exercise or purported exercise of the powers conferred on him by section 9 of the Government of Part C States Act, 1951, shall be deemed for all purposes to have been the duly constituted Legislative Assembly of the new State of Himachal Pradesh formed under section 3 of the Himachal Pradesh and Bilaspur (New State) Act, 1954;

49 of 1951.

32 of 19

(b) the persons who sat or voted or otherwise took part in the proceedings of the new Legislative Assembly shall be deemed to have been entitled so to do as members;

(c) the persons who functioned as the Speaker and the Deputy Speaker of the new Legislative Assembly shall be deemed to have been duly chosen as the Speaker and the Deputy Speaker respectively;

and accordingly—

(i) any Bill passed by the new Legislative Assembly (whether the Bill was introduced in the new Legislative Assembly or was introduced in the Legislative Assembly of Himachal Pradesh functioning immediately before the 1st day of July, 1954) and assented to by the President shall be deemed to have been validly enacted and to have the force of law;

(ii) any grant made, resolution passed or adopted, proceeding taken or any other thing done by or before the new Legislative Assembly shall be deemed to have been made, passed, adopted, taken or done in accordance with law.

Court not
to question
validity of
proceedings
of new
Legislative
Assembly on
the ground
of defect in
constitution,
etc.

4. No court shall question any Act passed, or any grant, resolution, proceeding or thing made, passed, adopted, taken or done, by or before the new Legislative Assembly merely on the ground that the new Legislative Assembly had not been duly constituted or on the ground that a person who was not entitled so to do presided over, sat or voted or otherwise took part in the proceedings of the new Legislative Assembly.

RAJENDRA PRASAD,
President.

G. R. RAJAGOPAL, Secy.